

# United States District Court

## DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

v.

Fredy Estuardo Velasquez

REDACTED

Criminal Complaint

CASE NUMBER: 07-13M

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On or about January 17, 2007 in the District of Delaware, defendant did:

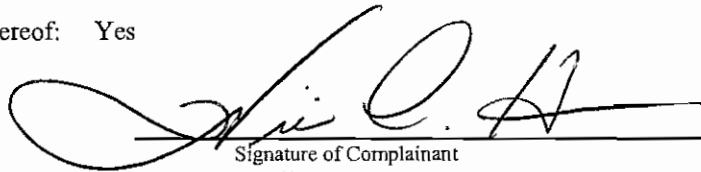
illegally re-enter the United States

in violation of Title 8 United States Code, Section(s) 1326(a).

I further state that I am a(n) Supervisory Special Agent, United States Department of Homeland Security, Bureau of Immigration & Customs Enforcement and that this complaint is based on the following facts:

See attached Affidavit

Continued on the attached sheet and made a part hereof: Yes



Signature of Complainant

William O. Horn

Supervisory Special Agent

Bureau of Immigration & Customs Enforcement

U.S. Department of Homeland Security

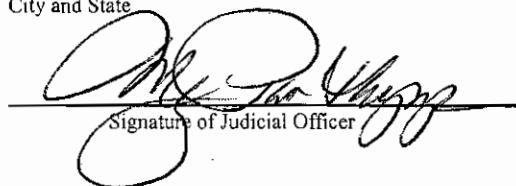
Sworn to before me and subscribed in my presence,

Date January 27, 2007 at

Honorable Mary Pat Thyng  
United States Magistrate Judge

Name & Title of Judicial Officer

Wilmington, DE  
City and State



Signature of Judicial Officer

**AFFIDAVIT**

I, William O. Horn, being duly sworn, depose and say:

1. I am a Supervisory Special Agent with the United States Department of Homeland Security, Bureau of Immigration & Customs Enforcement (ICE), Dover, Delaware. I have been employed as a Supervisory Special Agent since October 1, 1997, when I was employed by the INS. The INS was transferred to the U.S. Department of Homeland Security as the Bureau of Immigration & Customs Enforcement in March 2003.

2. This investigation is based on information provided by State of Delaware government agencies, INS/ICE records, and my own observations and interviews.

3. On or about January 17, 2007, ICE Wilmington received notification from Sussex Correctional Institution (SCI), in Georgetown, Delaware, that Fredy Estuardo VELÁSQUEZ, was in custody at SCI, within the District of Delaware.

4. On January 22, 2007, Fredy Estuardo VELÁSQUEZ was turned over to ICE and brought to the ICE office in Dover, DE. There, your affiant advised VELÁSQUEZ of his rights, in Spanish. Once advised of his rights, he signed a waiver of his rights and agreed to speak with your affiant. In a sworn statement, he admitted that his true and correct name is Fredy Estuardo VELÁSQUEZ, and that he was born on [redacted] 1970, in Mexico. VELÁSQUEZ stated that he had been removed from the United States on two occasions, once to Guatemala and once to Mexico. He stated that he had last entered the United States in May, 2006, illegally.

5. On January 22, 2007, Fredy Estuardo VELÁSQUEZ was fingerprinted on an Integrated Automated Fingerprint Identification System (IAFIS) machine, and those fingerprints matched those of Fredy ESTUARDO-Velásquez, born in Guatemala, with Alien Number A79 730 660 and FBI Number 564414XB6. That record is in the name of Fredy ESTUARDO-Velásquez, and references Fredy E. VELÁSQUEZ as an alias.

6. Your affiant has reviewed the alien file, A79 730 660, relating to ESTUARDO-Velásquez, and found that the file contains two executed Forms I-205, showing that Fredy ESTUARDO-Velásquez was removed from the United States to Guatemala on April 24, 2003 from Houston, TX, and that Fredy Estuardo VELÁSQUEZ was removed from the United States to Mexico on February 28, 2006 from Brownsville, TX. Your affiant found no evidence of any filings for permission to reapply for admission to the United States after having been removed.

**WHEREFORE, your affiant avers there is probable cause to believe that Fredy ESTUARDO-Velásquez, also known as Fredy Estuardo VELÁSQUEZ, a citizen and national of Guatemala or Mexico, was last removed by ICE to Mexico on February 28, 2006 and, prior to his reembarkation at a place outside the United States, the Secretary of Homeland Security had not expressly consented to such alien's reapplying for admission, in violation of Title 8, United States Code, 1326(a).**

A handwritten signature in black ink, appearing to read "W. O. Horn", written over a horizontal line.

William O. Horn  
Special Agent  
U.S. Immigration & Customs Enforcement

Subscribed and sworn to before me this 22 day of January, 2007.

A handwritten signature in black ink, appearing to read "Mary Pat Thyng", written over a horizontal line.

The Honorable Mary Pat Thyng  
United States Magistrate Judge